

REMARKS

Applicant wishes to thank Examiner Ford for the courtesies extended by the Examiner in the telephonic interview on December 28, 2007, with Rebecca Ball, Applicant's undersigned attorney. Proposed amendments to claims 24 and 27 were discussed. An agreement was not reached with respect to allowance of the claims. The Examiner indicated that a subsequent Office Action would be issued based on the language of the currently pending claims.

In response to the January 10, 2008 Office Action, claim 24 has been amended to state that the liver basement membrane is "substantially free of endogenous cells" and that the matrix "comprises gelled liver basement membrane." Support for these claim amendments can be found, for example, on page 1, line 10 and page 2, lines 15-17, of the specification as filed. Claim 27 has been amended as proposed by the Examiner.

Support for new claims 35 and 46 is found, for example, on page 2, lines 8-11. Support for new claim 36 is found, for example, on page 3, lines 10-16 and 31. Support for new claims 37, 38, 47, and 48 is found, for example, on page 5, lines 17-19 and page 11, lines 18-20. Support for new claims 39, 40, 49, and 50 is found, for example, on page 5, line 20 and page 6, line 1. Support for new claims 41 and 51 is found, for example, on page 11, lines 16-20. Support for new claims 42-45 is found, for example on page 5, line 13, page 6, line 16, page 12, lines 15-18, and page 11, lines 11-13.

Rejection of Claim 27 under 35 U.S.C. § 112, second paragraph:

The Examiner has rejected claim 27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner has proposed amending the claim language to read: "The method of claim 24, wherein the gelled liver basement membrane tissue is prepared by providing a solution of fluidized liver basement membrane tissue, adding nutrients, and gelling the solution by adjusting the pH to about 6.0 to about 7.4." In the interest of expedited prosecution, claim 27 has been amended according to the Examiner's proposal. Withdrawal of the rejection of claim 27 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Rejection of Claims 24-27 under 35 U.S.C. § 112, first paragraph:

The Examiner has rejected claims 24-27 under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner argues that the specification does not provide enablement for formation of endogenous tissue at a site in need thereof by implanting a graft composition comprising gelled liver basement membrane tissue, without further limitation. The Examiner further argues that use of the phrase “comprising” causes claim 24 to be read broadly and would allow the implantation of whole liver tissue that has been digested and gelled. The Examiner asserts that this broad interpretation would create immunogenicity problems with the construct.

Claim 24 has been amended to state that the liver basement membrane is “substantially free of endogenous cells” and that the matrix “comprises gelled liver basement membrane.” Support for the claim amendment is found, for example, on page 1, line 10 and page 2, lines 15-17, of the specification as filed. Amended claim 24 does not include the implantation of whole liver tissue because the liver basement membrane is “substantially free of endogenous cells.” Therefore, the Examiner’s immunogenicity argument is rendered moot. Withdrawal of the rejection of claims 24-27 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

CONCLUSION

The foregoing amendments and remarks are believed to fully respond to the Examiner’s rejections. The claims are in condition for allowance. Applicants respectfully request allowance of the claims, and passage of the application to issuance.

Respectfully submitted,



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